

GP 1731

#4
6-1500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 23533/119

In re patent application of
Cesar COMPADRE, *et al.*

Serial No. 09/494,374

Filed: January 31, 2000

For: A CONCENTRATED, NON-FOAMING SOLUTION OF QUATERNARY
AMMONIUM COMPOUNDS AND METHODS OF USE



Group Art Unit: 1731

Examiner: Unassigned

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56**

Assistant Commissioner for Patents
Washington, DC 20231

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Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 C.F.R. §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 C.F.R. §1.97(b), before the mailing date of the first Office Action on the merits.

Since this Information Disclosure Statement is being filed in compliance with 37 C.F.R. § 1.97(b) before the mailing date of the first Office Action, no fee is required in connection with its filing. However should a fee be required, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741.

RELEVANCE OF EACH DOCUMENT

The relevance of the listed documents is described in the present specification and cited during the prosecution of the parent applications 08/840,288 filed on April 14, 1992, which is a continuation-in-part of U.S. Serial No. 08/631,578 filed on April 12, 1996, now U.S. Patent 5,855,940.

Document A10 discloses the use of quaternary ammonium compounds as sanitizing agents. This document does not specify any particular quaternary ammonium compound that prevents the growth of microorganisms on seafood, vegetables and fruit. The claims are limited to alkylpyridinium salts, tetra-alkylammonium salts and alkylalicyclic ammonium salts with recited structures, and these species of quaternary ammonium compounds are not disclosed by the document. The document discloses the use of quaternary ammonium compounds for direct sanitization of equipment, utensils, walls and floors. This is an example of the surfactant effect of the quaternary ammonium compounds. The document does disclose washing tomatoes and cucumbers with quaternary ammonium compounds but no specific groups of quaternary ammonium compounds are cited as being useful for this purpose. The document also does not substantiate the results of such washing in regard to whether microbial contamination was prevented.

Document A12 is a copy of an abstract submitted to the Food Safety and Inspection Service of the United States Department of Agriculture for presentation at a scientific and technical conference entitled "New Technology to Improve Food Safety" held on April 12-13, 1995 in Chicago, Illinois.

Documents A23 and A28 are from The Food Safety Consortium Annual Meeting which is a private meeting attended by invitation only of the researchers from the University of Arkansas, the University of Arkansas for Medical Sciences, Arkansas Children's Hospital, Iowa State University, and Kansas State University. The attached progress report of Lattin, et al. and Slavik, et al., was handed out to attendees at this meeting. This Annual Meeting Progress Report was not made publicly available.

Document A30 discloses treating chicken muscle fascia from which the skin was carefully removed with cetylpyridinium chloride (CPC) at 2g l^{-1} for 5 minutes, exhaustively washing with water for 10 minutes, and then immersing the fascia in a suspension of *Salmonella typhimurium* or *Salmonella singapore* for 15 minutes. The results of these experiments show that pretreatment of fascia with CPC reduced the number of bacteria by 0.79 and 0.82 logs, respectively, as compared to controls. See Table 3. This document also

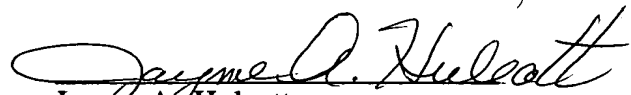
tests the effect of pH and salt on the retention of these *Salmonella* species on fascia. The authors of this document conclude that the use of inorganic salts or low pH could be used to inhibit the retention of *Salmonella* on fascia. In contrast, the authors do not suggest using CPC for this purpose. The small inhibition in bacterial attachment (log inhibition of 0.82 or less) reported by the authors, and the complexity of the procedure described would fail to motivate a skilled person to use CPC to reduce or inhibit contamination of poultry. This is particularly true for CPC contact times of less than 5 minutes.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

May 19, 2000

Date


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